

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

DEREK BLOCK, <i>et al.</i> ,)	
)	Case No. 2:20-cv-03686
Plaintiffs,)	
)	JUDGE SARAH D. MORRISON
v.)	
)	MAGISTRATE JUDGE CHELSEY M.
JIM CANEPA, <i>et al.</i> ,)	VASCURA
)	
Defendants.)	

**INTERVENOR-DEFENDANT WHOLESALE BEER & WINE
ASSOCIATION OF OHIO’S NOTICE OF SUPPLEMENTAL AUTHORITY**

Intervenor-Defendant Wholesale Beer & Wine Association of Ohio (“WBWAO”) respectfully provides this notice of supplemental authority in support of its Motion for Summary Judgment (ECF No. 51). On June 1, 2022, the United States Court of Appeals for the Fourth Circuit, in *B-21 Wines, Inc. v. Bauer*, No. 21-1906, 2022 U.S. App. LEXIS 15019 (4th Cir. June 1, 2022), affirmed a district court’s grant of summary judgment in favor of the North Carolina Alcoholic Beverage Control Commission, upholding the state’s direct shipment laws in the face of Plaintiffs’ Dormant Commerce Clause challenge. North Carolina’s direct shipment laws, similar to Ohio’s laws at issue in this case, permit licensed in-state retailers to sell and deliver wine directly to North Carolina consumers while prohibiting out-of-state retailers from doing so. *See* N.C. Gen. Stat. §§ 18B-102.1(a), 18B-109(a), 18B-1001(4). Relying on the Supreme Court’s decision in *Tennessee Wine*, the Fourth Circuit held that the North Carolina laws are constitutional as they are “justified on the legitimate nonprotectionist ground of preserving North Carolina’s three-tier system.” In so holding, the court arrived at the same conclusion as every other circuit has in addressing similar laws. The Fourth Circuit’s opinion is attached as Exhibit A for the Court’s convenience.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing was served electronically through this Court's electronic service system upon all parties and/or counsel of record on this the 3rd day of June 2022. Notice of this filing is sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's system.

s/ John J. Kulewicz

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